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December 13, 2024

VIA ECF

Honorable Paul A. Engelmayer
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

RE: Mt. Hawley Insurance Company v. Dumbarton Security Services, LLC
and Stonecrest Mall SPE, LLC
Case No. 1:24-cv-07147-PAE

Dear Judge Engelmayer:

We have been retained to represent Kandis Carter, the underlying personal injury plaintiff, concerning this pending insurance coverage matter. We write to request the Court's permission to intervene in the above-referenced matter.

The underlying personal injury claim is pending in Gwinnett County, Georgia. It involves a tragic set of facts wherein the plaintiff was kidnapped from a local mall at gunpoint, forced off premises and assaulted.

Ms. Carter brought claims against Dumbarton Security Services LLC, MJP DEP, LLC, Stonecrest Mall, LLC, Stonecrest Mall SPE, LLC, Stonecrest Mall SPE II, LLC and Urban Retail Properties, LLC in the underlying matter currently scheduled for mediation. The mediation has the full participation of the parties.

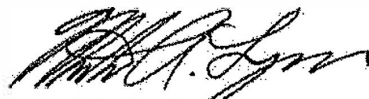
Certain insurance coverage issues have arisen during the course of the underlying matter. Mt. Hawley Insurance Company, plaintiff in the instant action, brought this action against Dumbarton Security Services, LLC and Stonecrest Mall SPE, LLC to declare their rights under policies of liability insurance. The underlying plaintiff, Kandis Carter, was not named as a party in the instant matter. However, it is our understanding that Mt. Hawley Insurance Company does not object to Ms. Carter's counsel intervening in this insurance coverage matter to determine the rights of the respective parties with respect to insurance coverage for the underlying personal injury claim.

With mediation in the underlying matter scheduled, the outcome of this coverage action could influence the resolution of both matters.

We now seek permission from the Court for permissive intervention pursuant to Federal Rule 24 or any other applicable Federal Rule of Civil Procedure, allowing the underlying plaintiff (and her counsel) to participate in this insurance coverage matter. A permissive intervention under F.R.C.P. Rule 24 allows for intervention for a shared claim or defense that shares with the main action a common question of fact or law. Ms. Carter will be directly and significantly affected by the outcome of this matter.

We request this permission in advance of the filing of any motion(s), in case the Court desires a pre-motion conference. We thank the Court for its consideration.

Respectfully submitted,



Martin A. Lynn

MAL/hb

For the Court to reliably resolve non-party Kandis Carter's motion to intervene, the Court will require a memorandum of law from Carter in support of intervention, setting out the pertinent facts and applying apposite legal authority. Carter's memorandum of law is due December 20, 2024. Any response, from plaintiff or defendants, is due December 30, 2024. The parties' submissions should address whether intervention, as opposed to submission of an *amicus* filing by Court Order, is warranted.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

December 13, 2024
New York, New York